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09/900,072	07/06/2001	James S. Voss	10010109-1	5850

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EXAMINER

LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/900,072

**Applicant(s)**

VOSS ET AL.

**Examiner**

Twyler M. Lamb

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The indicated allowability of claims 1, 3-12, 14-16, 18-20 are withdrawn in view of the newly discovered reference(s) to Scorse et al. (Scorse) (US 5,128,776). Rejections based on the newly cited reference(s) follow.

### ***Response to Arguments***

2. Applicant's arguments, see Amendment, filed 2/24/05, with respect to the rejection(s) of claim(s) 1, 3-12, 14-16 and 18-20 under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Scorse et al. (Scorse) (US 5,128,776).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 5-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Scorse et al. (Scorse) (US 5,128,776).

With regard to claim 1, Scorse discloses a method for providing digital video images (col 3, lines 22-25; col 4, lines 34-36) and still images (col 9, lines 29-33)

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comprising the steps of: enabling sequential frames of image data to be provided to a user for rendering as video images (col 3, lines 22-25; col 4, lines 34-36), the video images being configured for providing at a first resolution (col 4, lines 45-49), at least some of the image data being stored at a second resolution higher than the first resolution (col 4, lines 30-33); enabling at least some of the image data configured with the second resolution to be converted such that the frames provided to the user for rendering as video images are configured with the first resolution (col 4, lines 45-49); receiving a request for image data corresponding to one of the frames of image data at the second resolution (col 4, lines 6-22; col 4, lines 30-38); and enabling image data corresponding to the requested one of the frames to be provided to the user for rendering as a still image (col 9, lines 29-33), the still image being configured for providing at a second resolution (col 4, lines 30-33), the second resolution being higher than the first resolution (col 4, lines 30-49).

With regard to claim 5, Scorse discloses wherein receiving a request for image data corresponding to one of the frames of image data comprises: receiving a request for image data corresponding to one of the frames of images data configured at the second resolution (col 4, lines 6-22; col 4, lines 30-41).

With regard to claim 6, Scorse discloses wherein providing frames of image data comprises: providing sequential frames of the image data such that the image data configured with the second resolution is intermittently disposed among the frames of image data (col 4, lines 6-22; col 4, lines 30-41 {Note the user selects the resolution, so the user can pick and choose which frame maintains the second resolution.}).

With regard to claim 7, Scorse discloses wherein providing frames of image data comprises: compressing the at least some of the image data configured with the second resolution such that the frames provided to the user for rendering as video image are configured with the first resolution (col 4, lines 37-49).

With regard to claim 8, Scorse discloses wherein receiving a request for image data corresponding to one of the frames of image data comprises: receiving a request for image data corresponding to one of the frames of image data configured at the first resolution (col 4, lines 6-22; col 4, lines 30-49 {Note the user selects the resolution, so the user can pick and choose which frame is configured at the first resolution.}); and wherein enabling image data corresponding to the requested one of the frames to be provided to the user for rendering as a still image comprises the steps of enabling a frame of a second resolution image data most closely corresponding to the requested frame of image data to be provided to the user for rendering as a still image (col 4, lines 30- 41 {Note the user selects the resolution, so the user can pick and choose which frame maintains the second resolution.}).

With regard to claim 9, Scorse discloses wherein receiving a request for image data corresponding to one of the images of image data comprises: receiving a request for image data corresponding to one of the frames of image data configured at the first resolution (col 4, lines 6-22; col 4, lines 30-49 {Note the user selects the resolution, so the user can pick and choose which frame is configured at the first resolution.}); and wherein enabling image data corresponding to the requested one of the frames to be provided to the user for rendering as a still image comprises the step of: enabling

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modification of image data such that image data to be provided to the user for rendering as a still image is provided at a resolution higher than the first resolution (col 4, lines 30-41 {Note the user selects the resolution, so the user can pick and choose which frame gets which resolution.}).

With regard to claim 10, Scorse discloses wherein enabling modification of image data comprises: enabling modification of the two images of second resolution image data most closely corresponding to the requested frame of image data (col 4, lines 30-49 {Note the user selects the resolution, so the user can pick and choose which frame gets which resolution.}).

With regard to claim 11, Scorse discloses wherein enabling modification of image data comprises: enabling modification of at least the one frame of second resolution image data most closely corresponding to the requested frame of image data (col 4, lines 30-49 {Note the user selects the resolution, so the user can pick and choose which frame gets which resolution.}).

With regard to claim 12, Scorse discloses imaging system (Figures 1 and 7) comprising: a video/still imaging system configured to provide frames of image data to a user for rendering as video images (col 3, lines 22-25; col 4, lines 34-36), of a first resolution (col 4, lines 45-49); said video/still imaging system is further configured to compress image data configured with the second resolution (col 4, lines 30-33) such that image data provided to the user for rendering as video images is configured with the first resolution (col 4, lines 45-49), said video/still imaging system storing at least some of the frames of the image data at a higher, second resolution (col 3, lines 30-33),

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wherein said video/still imaging system compresses image data configured with the second resolution such that image data provided to the user for rendering as video images is configured with the first resolution (col 4, lines 45-49); said video/still imaging system being further configured to receive a request for image data corresponding to one of the frames of image (col 4, lines 6-22; col 4, lines 34-38) data such that, in response thereto, said video/still imaging system provides image data corresponding to the requested one of the frames to the user for rendering as a still image (col 9, lines 29-33), the still image being configured with the second resolution (col 4, lines 30-41 {Note the user selects the resolution, so the user can pick and choose which frame maintains the second resolution.}).

With regard to claim 14, Scorse discloses further comprising: means (control/processing unit 16) for receiving a request for image data corresponding to one of the frames of image data (col 4, lines 6-22).

With regard to claim 15, Scorse discloses further comprising: means (storage device 14) for storing frames of image data (col 3, lines 29-32; col 4, lines 30-32; lines 41-45).

With regard to claim 16, Scorse discloses an imaging system (Figures 1 and 7) comprising: an image data storage medium (storage device 14) having frames of image data stored thereon (col 3, lines 29-32; col 4, lines 30-32; lines 41-45), said frames being configured to be provided to a user for rendering as video images (col 3, lines 22-25; col 4, lines 34-36), the video images being configured for providing at a first resolution (col 4, lines 41-49), at least some of said frames being configured to be

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provided to the user for rendering as a still image (col 9, lines 29-33), the still image being configured for providing at a second resolution, the second resolution being higher than the first resolution (col 4, lines 30-41 {Note the user selects the resolution, so the user can pick and choose which frame maintains the second resolution.}).

With regard to claim 18, Scorse discloses a computer readable medium having a computer program (col 4, lines 6-9) for providing digital video images (col 3, lines 22-25) and still images (col 9, lines 29-33), said computer readable medium comprising: logic configured to enable sequential frames of image data to be provided to a user for rendering as video images (col 3, lines 22-25; col 4, lines 34-36), the video images being configured for providing at a first resolution (col 4, lines 41-49) despite at least some of the sequential frames of image being stored at a higher, second resolution (col 4, lines 30-33), logic configured to receive a request for image data corresponding to one of the sequential frames of image data (col 4, lines 6-22; col 4, lines 34-38); and logic configured to enable image data corresponding to the requested one of the sequential frames to be provided to the user for rendering as a still image (col 9, lines 29-33), the still image being configured for providing at the second resolution (col 4, lines 30-41 {Note the user selects the resolution, so the user can pick and choose which frame maintains the second resolution.}).

With regard to claim 19, Scorse discloses wherein the logic configured to enable sequential frames of image data to be provided to a user for rendering as video images (col 3, lines 22-25; col 4, lines 34-36) comprises: logic configured to compress the at least some of the image data configured with the second resolution such that the



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sequential frames provided to the user for rendering as video images are configured with the first resolution (col 4, lines 45-49).

With regard to claim 20, Scorse discloses wherein the logic configured to receive a request for image data corresponding to one of the sequential frames of image data (col 4, lines 6-22; col 4, lines 34-38) comprises: logic configured to receive a request for image data corresponding to one of the sequential frames of image data configured at the first resolution (col 4, lines 45-49), and wherein the logic configured to enable image data corresponding to the requested one of the sequential frames to be provided to the user for rendering as a still image (col 9, lines 29-33) comprises: logic configured to enable the frame of second resolution image data most closely corresponding to the requested frame of image data to be provided to the user for rendering as a still image (col 4, lines 30-41 {Note the user selects the resolution, so the user can pick and choose which frame maintains the second resolution.}).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scorse et al. (Scorse) (US 5,128,776) in view of Heirich et al. (Heirich) (US 6,753,878).

With regard to claim 3, Scorse does not specifically teach wherein the step of enabling frames of image data to be provided to a user for rendering as video images comprises: enabling the frames of image data to be provided to the user at a resolution of 640 pixels by 480 pixels.

Heirich discloses an image generator that includes wherein the step of enabling frames of image data to be provided to a user for rendering as video images comprises: enabling the frames of image data to be provided to the user at a resolution of 640 pixels by 480 pixels (col 7 lines 48-59).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Scorse to include wherein the step of enabling frames of image data to be provided to a user for rendering as video images comprises: enabling the frames of image data to be provided to the user at a resolution of 640 pixels by 480 pixels as taught by Heirich. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Scorse by the teaching of Heirich to meet the bandwidth constraints of high-end motion picture applications as taught by Heirich in col 7 lines 48-59.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scorse et al. (Scorse) (US 5,128,776) in view of Geshwind (US 6,590,573).

With regard to claim 4, Scorse does not specifically teach wherein the step of enabling image data corresponding to the requested one of the frames to be provided to

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the user for rendering as a still image comprises: enabling image data corresponding to the requested one of the frames to be provided to the user at a resolution of 1024 pixels by 768 pixels.

Geshwind discloses an image generator that wherein the step of enabling image data corresponding to the requested one of the frames to be provided to the user for rendering as a still image comprises: enabling image data corresponding to the requested one of the frames to be provided to the user at a resolution of 1024 pixels by 768 pixels (col 12 lines 38-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Scorse to include wherein the step of enabling image data corresponding to the requested one of the frames to be provided to the user for rendering as a still image comprises: enabling image data corresponding to the requested one of the frames to be provided to the user at a resolution of 1024 pixels by 768 pixels as taught by Geshwind. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Scorse by the teaching of Geshwind to ensure that each pixel can be displayed properly as taught by Geshwind in 12 lines 38-56.


### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 571-272-7406. The examiner can normally be reached on Mon, Tues and Thurs 6:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Twyler M. Lamb  
Primary Examiner  
Art Unit 2622



EDWARD COLES  
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